

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

TINNA SHERMAN,
Plaintiff,

V.

OPELIKA AUTO GROUP, INC.,
Defendant.

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: CASE NO: 3:07-CV-1100

RESPONSE TO MOTION TO COMPEL

COMES NOW the Plaintiff, ***TINNA SHERMAN***, by and through her attorney Benjamin H. Parr, and states to this Honorable Court:

1. Plaintiff received Interrogatories and Discovery request from Defendant on or about the 5th day of January 2008.
2. Plaintiff's Husband is in the U.S. Military and has been home on leave from the Middle East, hence Plaintiff has been out of town and unreachable to provide information and sign answers.
3. Plaintiff's Counsel now has the requested Discovery Information client will sign by Friday, February 22, 2008; once signed, Plaintiff's counsel will provide to Defendant's counsel.
4. Counsel for Plaintiff intended to mail discovery responses on date provided to Defendant's counsel, but client was unable to sign by that date.

WHEREFORE these premises considered, Plaintiff respectfully requests this Honorable Court deny Defendant's Motion to Compel and deny Defendant's Motion to Deem Facts as Admitted; as said Motions will be Moot within 4 days.

Respectfully submitted this the 19th day of February 2008.

/s/ Benjamin H. Parr
Benjamin H. Parr (PAR-112)
Attorney for Plaintiff
Ingrum, Rice, & Parr, LLC
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CERTIFICATE OF SERVICE

I do hereby certify that I have on this day delivered a true and correct copy of the foregoing RESPONSE TO MOTION TO COMPEL to the attorney for the Defendant, Hon. John Martin Galese, by U.S. Mail on this the 19th day of February 2008.

/s/ Benjamin H. Parr
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Hon. John Martin Galese
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